

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT W. WELSH, d/b/a BIG TEN)	
DEVELOPMENT,)	
)	
Plaintiff,)	Case No. 08 C 1342
)	
v.)	Judge Joan B. Gottschall
)	Magistrate Judge Susan E. Cox
BIG TEN CONFERENCE, INC.,)	
)	
Defendants.)	
)	

PLAINTIFF'S OPPOSITION TO MOTION TO STAY

We respectfully submit that the motion to stay should be denied. As set out below, this case is straight forward. Discovery should commence immediately and be completed in 60 days so that this matter can be tried as soon as this Court's schedule allows. The Big Ten Conference is making millions based on the Confidential Business Plan it misappropriated from Welsh and the delay benefits the Conference but not the ends of justice.

The Big Ten Conference completely missed the mark with the original motion to dismiss and we anticipate the defendant's aim won't be improved with the second dismissal effort it proposes. As we set forth in detail, the original trademark application filed by the Conference contained false statements including the assertion that the Conference was entitled to register a mark purloined from Welsh in violation of an express confidentiality agreement. At paragraph 21 of our amended complaint, we delineate the indisputable facts that establish the violation of Section 1120 of Title 15.

The Conference and counsel who implemented the improvident trademark filings argue that Welsh did not use or register the mark that was unlawfully taken by the

Conference in violation of an express agreement. That argument ignores the facts spelled out in the complaint and is, frankly, an argument wholly immaterial to the false statements filed by the Conference in violation of Section 1120. (*See* Count I, paragraphs 14-26).

Respectfully submitted,

ROBERT W. WELSH,
d/b/a BIG TEN DEVELOPMENT

By: /s/ Robert P. Cummins
One of His Attorneys

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